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The methods of bribery
& its prevalence at our
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THE METHODS OF BRIBERY AND ITS PREVENTION AT OUR NATIONAL ELECTIONS.

AN ADDRESS

DELIVERED BEFORE

The Massachusetts Reform Club,

BOSTON, JAN. 12, 1889.

BY F. J. STIMSON.

PRINTED FOR THE MASSACHUSETTS REFORM CLUB.

CAMBRIDGE:
JOHN WILSON AND SON.
University Press.
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ADDRESS.

IT has been said by political philosophers of all times that a democracy must ultimately perish by corruption. If we deny it, we are asked for examples of any that have survived. If we point to Switzerland, they say that it is not a republic, or if a republic, it is one under peculiar conditions,— small, decentralized, in constant dread of foreign aggression, and to a singular extent without commerce, manufactures, or great concentrated wealth. When in return we ask for an example of failure, they can only point to Rome, to which we make much the same reply,— that it never was a true republic, that the freemen were few in number and slaves and conquered nations many, and that it did not perish by bribery alone. Athens was a democracy, and fell by corruption, but not by the bribery of the individual voter. So neither side has been able to point an example,— the one of a true republic, the other of any republic that endured.

Yet until now, and I hope still, we have felt and we feel that it remains for our republic to furnish that example. We may admit that political corruption, common enough in all countries, is peculiarly fatal in democracies; for in oligarchies and empires the government itself at least is not determined by bribery, nor dependent on it, as becomes the case in a corrupt republic. A king's ministry or his

agents may be bribed, but the king himself is usually above it, just as his people are below. But in a democracy the most fatal form of bribery is not that of officers or of representatives, but of the people themselves. This is as much worse than bribery of officers as general tuberculosis is than a localized cold. Even De Tocqueville does not seem to have foreseen this; for he predicts that only our officers or representatives will be in danger of taking bribes, and this because their motive for going into politics is not desire for power, as in other forms of government, but desire for wealth. Bribery upon the free men of the country, this — if only on account of their great number — he seems to think will be impracticable.

That he was mistaken, our last campaign has taught us. In fact, there is a peculiar difficulty in preventing bribery of large masses of men, arising from the fact that the result of any one bribed vote seems so trifling as to make it unjust or unduly severe to impose any effective penalty.

The first and great difficulty that we have to meet upon this question is that of public sentiment; it is not aroused. And I fear this is not so much because it is incredulous as because it is indifferent. Within the last month I have heard it said by educated and thoughtful men, speaking of a man who is believed to have given a very large sum of money which was afterwards spent in buying votes, that "at least it showed that he had some stake in the country." The feeling may be not avowed, but perhaps it is very general, that if one man cares so little for his vote as to sell it and another wishes it so much as to buy, the transaction concerns these two alone. We all know how difficult it has been to enforce prohibition laws in the large cities, owing to a similar lack of public sentiment; but I fear the strong, active sentiment against bribery at elections is more lacking still. In preparing these notes I have

had occasion to write to several hundred politicians or local managers, and I have had to infer, partly from the answers and partly from their silence, that the reluctance to raise a question of bribery, at the last election at least, is amazingly prevalent. The election is over, and it can do no good. We Americans are lazy in some respects, and our very good-nature makes us willing to accept results; and then, each party feels that itself may be the greater sinner next time. Therefore our first duty is the very elementary one of persuading American citizens that a corrupt ballot will be fatal to the existence of a free democracy; that the sin, though seeming small in each instance, is so great against the State as to require earnest examination and severe punishment; and that *republics cannot survive* the sale for money of their government, their offices, and their policy.

Next, we must convince them that the evil of bribery of voters really exists. I have sought to get what information I could upon this subject and then to recast it into a sort of summary, stating the general process and extent of bribery in the several doubtful States. It does not seem best in this address to state in detail my sources of information, other than to assure the Club that I have taken no second-hand or hearsay evidence, and that I believe all these sources to be trustworthy. Sometimes a correspondent has authorized me to use his name or state the place where the bribery occurred; but I have not thought it best to depart from the general rule of only indicating the State in question.

De Tocqueville did not foresee that owing to our peculiar system of election, and our even division of parties, it would be possible to know beforehand the exact location whose vote would determine an election, and consequently to concentrate large sums in bribery of such localities. That this is obviously possible we see when we consider

that in the last election a change of some ten thousand votes in places well known beforehand would alter the national result. You have only to raise a so-called campaign fund of ten million dollars, — not an impossible sum in the future if the subscribers know that the election is to be assured by it, — to give these ten thousand voters even so large a sum as one thousand dollars apiece.

Connecticut, New York, New Jersey, West Virginia, Delaware, and Indiana were the six doubtful States in the last campaign. Bribery was pursued in all of them, and the methods showed less imagination than one would expect from so inventive a race as the Americans. In a general way it may be said that the methods were the same, though to a certain extent they followed the local character: thus, in the frank West, the simple and direct out-and-out sale was most in favor; while the East was more prone to indirect devices and ornamental forms; and the metropolitan genius and larger commercial training of New York showed itself in the purchase of votes *en bloc*, and acted by syndicates of manufacturers and political capitalists upon whole political movements.

Still, in Connecticut there was much vote-buying, though the usual way, in the cities at least, was to employ a man for election day, — to say you wanted a fellow to hold your horse, or drive you to the polls, or run errands for you, and pay him five, ten, or twenty dollars for it. Sometimes you only offered him two dollars at first, and then he struck and got higher wages later in the day, — ten, twenty, or even fifty dollars. In fact, the Bible precept was improved upon, and the workers who came into the vineyard at the eleventh hour got commonly *more* than those who had labored all the day.

Two stories I tell as they were told me by personal friends. An auctioneer near M——, who had occasion to make an administrator's sale of the stock and imple-

ments of a farm, thought it would be a good idea to do so on election day, as the country around is a farming country, generally populated by newly-naturalized citizens. The event justified his sagacity; and his cattle, ploughs, beds and bedding, and pots and pans brought remarkable prices. It was a curious fact that almost every bidder would bid up to the value of about twenty dollars and then stop; and he always tendered, with great freedom, a clean twenty-dollar bill. The auctioneer asked several how it happened that they were so free with their twenty-dollar bills, and the reply was always that they were plenty enough down near the polls.

In the city of New Haven or Bridgeport there was one district that commonly went Democratic, which this year did not go the usual way, and the facts in the case were these: early on the morning of election day the Republican manager approached the Democratic manager and boasted that he had got the election. The parties were rather intimate personal friends, and upon the Democrat's denying this, the Republican assured him that he had, and furthermore asked his friend what the use was of making a contest and wasting so much good money. "How much have you got?" said the Democrat. The Republican then took him into a little shop near by and showed him a pile of a thousand new two-dollar bills. The Democrat had considerably less, — five hundred dollars let us say, — whereupon these two clever managers devised a beautifully simple system of determining the election, which may be called the arithmetical, — in short, their respective greenbacks were paired off, as it were; the Democrat saved his five hundred dollars for a better use nearer home, and the Republican saved the same amount of his pile, while the balance only was distributed by the Republican manager among the needy voters. Thus the result of the election in that district was probably not changed, a corner in

votes was avoided, while the two friends were spared the pain of seeing so much good money wasted.

A correspondent writes: —

"We were deluged with money from three sources: first, from one of the candidates for Governor, who is very rich; second, from the National Committees; and third, from your Home Market Club.

"From five dollars to fifty dollars was paid for a single vote, those in the small towns receiving the most, owing to the fact that the change of but few votes there would elect two representatives; and it is said on good authority that twenty-eight thousand dollars was spent by one party in Hartford alone."

Mr. GEORGE ELIOT SILL writes from Hartford, and authorizes me to use his name: —

"The *modus operandi* of bribery as employed in the city of Hartford is very simple and effective, and is made so by our method of conducting elections. All our ballots are handed the voter, as he approaches the voting-place, by men who are hired by the committee of the party. We have no booths for distributing ballots such as they have in New York, and the law does not set any limit on the number of ticket-pedlers that may be employed; and so one can often see seven or more men distributing the ballots of a certain party. This carelessness about ballot-distributors gives a chance to get in some fine work as far as bribery is concerned. The method is as follows: a person who desires to sell his vote is well known to the ward committee, and when he reaches the polls he is seen by them, taken to the committee-room, and is there hired to 'peddle ballots' for the party, and is paid for so doing. He is given two or three ballots, and goes out and stands around the polls for perhaps two or three minutes, then he goes in and votes, and his business of 'peddling tickets' is over for the day. The 'ticket-pedler' is watched from the time he leaves the committee-room until he casts his ballot and he is seen to vote the 'correct' ticket. Then if he has not been paid for 'peddling ballots' he re-enters the committee-room and receives his pay for the work he has done. Probably but a few of

these workers receive their pay until they have done their work; for if they were paid beforehand, and then failed to deliver the goods, the bribers could do nothing.

"This method, though very simple, could not very well be improved upon. Though one knows that these men are paid, not for 'peddling ballots' but for voting for a certain ticket, such a thing is almost impossible to prove, if not entirely so.

"When any questions are asked of the bribers regarding the matter, all they say is that the men were hired to 'peddle ballots' and were paid for so doing, as all the other pedlers were.

"I do not know where in Connecticut there has been a conviction for this kind of work.

"Of course we have the old-fashioned kind of bribery, where a man is paid outright a sum of money for voting a certain ticket or for a certain man; but that way is not used as extensively as it was before the new and safer way was discovered. The giving of flour, meats and groceries is also employed, especially in the country towns, where the other methods would cause too much talk.

"There is no doubt but there is more real corruption to the square inch in Connecticut than in almost any State in the Union; and, strange to say, my experience has taught me that the farmers are more easily bribed than any other class of citizens, though the people in the slums of our cities are not far behind. But the whole cause of bribery arises from the easy and safe way in which it can be done. Should our election laws be changed, there would be very little bribery.

"In the resolutions adopted in the Democratic and Republican conventions last fall there were planks favoring a secret ballot. The Republicans carried the legislature, and if they give us what they promised, we shall have an end of bribery in the first way I have designated, for a secret-ballot law will do away with all 'ticket-pedlers.'

"Such a law would also prevent that which disturbs us almost as much as bribery; namely, bulldozing and intimidation of factory hands."

In confirmation of the story of use of money in Hartford, another member of one of the State Committees writes: —

"We have positive proof that in the city of Hartford, on the morning of election day, one party expended twenty-eight thousand dollars in simply buying votes to such an extent that the leading men of both parties have agreed that they will never allow a dollar to be used in the purchase of votes. To our knowledge the Republican party expended in Connecticut over two hundred thousand dollars, while the Democratic party had fifty thousand dollars to use. In many of the smaller country-towns the price of votes started in the morning at ten dollars and before noon ranged from thirty to fifty dollars. In many of the towns before two o'clock both parties abandoned the purchase of votes, the price having gone beyond their reach. This work was all done openly, without any fear of the law as it stands."

In New York State, probably the most effective bribery was the purchase of political "movements" out and out, or the exchange of one party's candidate for the other party's candidate for some other office. This is undoubtedly bribery under the law, but almost impossible to reach. The confessions of "Johnny" Brodsky and Col. Elliot Shepard on this point are too fresh to make it needful for me to quote them; and I have been assured by many Brooklyn men that they were offered two votes for Harrison for one for Hill. The evening before the election a prominent manufacturer told me that Harrison was elected; the money that had been subscribed was not in vain, and King's County had been fixed. This gentleman was so positive, that he had given up all anxiety and was going quietly home to his fireside.

But money was also used in New York State, particularly among the farmers and along the Hudson River. Ingenious devices were adopted, both before and after election; as at one town, where, while the Republican procession went by, a local Democrat was hired to sit upon the apex of a pyramid of beer-barrels and keep himself very drunk.

A Republican writes me, from the small country-town of M——, in New York State:—

"The sum sent here by the Republican managers is said to have been five thousand dollars, while the Democrats had less than half that sum. This town has been a 'no-license' one since last May, and the use of liquor on election day was something surprising. I am not inclined to say much more regarding this matter, and I think that both sides are ashamed of themselves to-day. It certainly is a fact that men who are leaders in society, and who are looked up to as strictly honorable men in all other things, were mixed up in it."

In New York City there was some use of money; but, probably owing to the law of supply and demand, the sums realized by voters were far smaller than in the country. The following reports of evidence on one case are so striking, as showing a remarkable unanimity of testimony, that I will read them all in full.

Memorandum about J—— S—— (State Legislator, 1884–87, —th Assembly District, New York City).

G. S. DOUGHERTY reports: —

"On the afternoon of November 5, last, I saw J—— S—— standing in the doorway of Ludlow Street Jail, talking to the door officer. Two men came up, and S—— was beckoned from the steps to the sidewalk by these two men, with whom he had a conversation in private. He took out a roll of bills and gave them to one of the men. I followed these men into Goetz's saloon, 102 Forsyth Street; there were about ten men in this saloon, all of whom seemed to know these two men. I then followed them to Barney O'Rourke's. One of the men came out, and I waited for the other (who had received the money), but he did not come out. I went back to S——'s, and a young Jew came up to S—— and said, 'All I want is a dollar, Jack.' S—— took a roll of bills out of his vest-pocket, but not finding a dollar, took a second roll of bills from another pocket, and handing a dollar to the Jew, said, 'Do all you can for me.' Then a tall young man, about thirty years old, with a smooth face and blue chinchilla overcoat, came up, and after a conversation which I did not hear, S—— gave him a ten-dollar bill with the remark, 'Don't worry about

a dollar around election time;' to which the man replied, 'You know I have fourteen votes in my house I can control;' and S—— said, 'Do what you can for me.'"

J. C. BULL reports: —

"On November 5 I was standing outside S——'s saloon, when I saw S—— in conversation with a man on the other side of the street, to whom he gave a roll of bills. The man then hurried away, with another man following him. S—— then came across the street and engaged in conversation with several men, to six of whom I saw him give money. S—— then went to one side with a tall man with a blue overcoat on, pulled out a roll of bills, gave the man a ten-dollar bill, and said, 'Don't let a paltry dollar worry you around election times.' The man said, 'You know, Jack, that I control fourteen votes in my house.' To which S—— replied, 'All right; now go to work and do all you can for me.' Then a Jew came up and said, 'Jack, all I want is a dollar.' He got it. I afterwards met S—— in the 'Doctor's,' 59 Bowery, where I saw him give the man with the blue overcoat on some money; and I followed this man to Samsel's saloon, 20 Bayard Street, where he was well received by about fifteen men, to whom he spoke in a whisper. Then he stood on the sidewalk, and as these men came out, one by one, he gave them a small sealed envelope. I saw one man open his; it contained some tickets and a two-dollar bill. Afterwards I saw S—— in Wiborn's saloon, 29 Bowery, where there were about fifty men, to some of whom I saw S—— give money."

F. J. PERRY reports: —

"While in S——'s saloon at 7.15 A. M., November 6, I saw a Jew named Isaacs go into the water-closet with a workman and give him a bundle of tickets. Isaacs promised this man two dollars for his vote. Isaacs put the man's name down on a book which he carried, and upon which appeared other names. About 2 40 P. M. I saw C—— J—— meet a shabbily-dressed young man outside of the polls, give him some tickets, and then bring him in to the polls, and I saw that he voted; after which J—— brought him into S——'s saloon, where they separated. J—— went to

Butler, S——'s cashier, who pulled out a roll of bills, from which he counted out some money and gave it to J——, who joined this young man and gave it to him. I saw S—— give money to a man about 2 P. M., this man coming in a carriage. I have no doubt he was canvassing other places for him. I heard S—— ask a man where all his men were, and the man replied, 'They are all here.' S—— said, 'Well, I will give you five dollars a vote.' I saw B—— give several men money in S——'s saloon, and at one time I saw him give Isaacs ten dollars. Several of S——'s workers had books in which they entered the names of the men. I was talking to a Jew in Essex Street, who said S—— was bound to be elected if it cost ten thousand dollars, and that Barney O'Rourke and John J. O'Brien would back him and spend money to elect him."

A. E. PRICE reports:—

"On November 6 I saw Isaacs, an agent of S——'s, go a number of times to the water-closet in S——'s saloon with men who demanded money from him for their votes. I heard Isaacs promise them money; he would then lead them to the polls and see they voted the tickets he gave them. I also saw Isaacs go three different times to B—— and get money taken from the safe in S——'s saloon. When the men were ready to vote, Isaacs would have money in his hand; and once I saw a voter put money in his vest-pocket."

"X" reports:—

"On November 6, while in S——'s saloon, I saw B—— give a man named Jackson two bills, and Jackson handed the money to a rough, young-looking man. Soon after this, S—— came in with a man, to whom he gave two bills. Later, I heard Butler say to some of the men who were giving out tickets, not to take any more votes at 'two.'"

C. DASCHER reports:—

"On November 6, while in front of S——'s saloon, I saw a man show S—— a red ticket and ask him how much it was worth. S—— replied, 'It is understood that each of us pays half.' The

man said, 'What is half?' S—— gave him a dollar and tore up the ticket."

A member of one State Committee in New Jersey writes: —

"Every one buys votes in this State, and almost every one is for sale. I am fully convinced that there is only one way to stop it, which would be to disfranchise the man who sells his vote, or takes a bribe for working at the polls or for like services.

"Of course it would require much care, in preparing such a bill, as to the various modes. If you attempt to punish the purchaser and seller both, you would fail, as no one would tell. As long as voters stand against the wall or sit on the fence waiting to be bought, candidates will buy them.

"I would disfranchise the fellow who sells his vote, for five or ten years for first offence, if anxious to stop the business. You would not disfranchise five men in this town."

In another town in New Jersey I was informed upon the spot that the custom was for a voter who had performed his function to receive from some local manager a red ticket, which was said to entitle him to one shave at a room near by, designated by its street number only. When he went into this room he found no one there, and it was extremely dark; but across one end of it was a partition, in which was a little hole near the floor, something like that of a ticket-seller; of course he could not see who was behind the partition, nor could the person behind it see who the voter was; but when he shoved his shaving-ticket through, he took out with the same hand a bank bill. Any lawyer will see how impossible it would be to get evidence in bribery of this kind, except from each party against himself.

In Delaware, both parties keep an accurate list of the purchased voters, the persons by whom they were bought, and the amount of money paid in each case. These lists are carefully preserved for future use; but there is a com-

plaint among the voters that the Republicans are not so careful in keeping the lists secret as are the Democrats. Tax bills, both real-estate and poll, were frequently paid by both parties. But for further details, in this State and New York, I will refer also to the New York "Weekly Post" of December 6, as it seems unnecessary to repeat what has there been printed.

From Moundsville, West Virginia, I read a letter: —

F. J. Stimson.

Dear Sir, — My senatorial district, as compared with other portions of the State, was not so bad, although, lying in a narrow wedge between Pennsylvania and Ohio, there were a few votes scattered along the lines from each of those large Republican States; but the greatest source of trouble was not by direct purchasing of the voters, but by furnishing money for certain political work they pretended to believe some needy fellow could do, and in furnishing money to take great car-loads of them to all the political gatherings. And then, there seemed to be a recklessness that never prevailed before, and large numbers of young men under age were rushed in and voted; but as we look over this and compare it with the open, flagrant frauds of other portions of my State, these seem to sink into insignificance. Every little cross-road politician was flush with money for any and all political purposes.

At a meeting of the Democratic Executive Committee, held at Charleston, Nov. 30, 1888, an address was issued, from which the following is an extract: —

"In Elk District of Kanawha, a purely agricultural section, without public works of any kind to bring in new voters, and where there is little or no growth in population, the total vote increases from something over six hundred to more than nine hundred, or about fifty per cent. This increase in district and county has been accompanied by an open and shameless expenditure of money, amounting to many thousands of dollars.

"In Fayette County, among the mines, eighteen hundred votes were cast for the Republican ticket by a transient, migratory negro population, many of them without residence or local identity, whose ballots were accepted without question or obstruction by the Republican authorities in charge of the election.

"In Mercer County the Republican vote has been increased from five hundred in 1884, to fourteen hundred in 1888. This increased vote was cast in great part by non-resident negroes, many of whom cannot to-day be found. In a local-election contest now in progress in that county three hundred illegal votes have already been discovered as cast for the Republican ticket, and will undoubtedly be rejected in the final count. In a single precinct one hundred and ten votes have been challenged as cast by men who cannot be identified, located, or found.

"The investigations now in progress before the Grand Jury of the Circuit Court of Mercer have resulted in many indictments for illegal voting, and point clearly to the existence of a conspiracy to defeat the popular will by the organization and use at the polls of hundreds of non-resident negroes.

"In McDowell County the mines have been opened but a few months. Scarcely a man could have acquired a residence in connection therewith. In Elkhorn District, where these mines are located, but eighty legal voters can be found to-day; yet the Republican ticket received in that district two hundred and fifty votes, — a poll more than twice as large as the entire majority claimed in the State for the Republican candidate for governor."

From Vincennes, Indiana, I read a letter: —

The methods of bribery used here and hereabouts in the late election were the same as those used all over this State; namely, a straight-out purchase of voters, and particularly of those who are called "workers." Some of our workers in this city and county were paid by Republicans twenty dollars, fifty dollars, and as high as seventy dollars, for their "influence" on election day. This is not idle talk, but a statement of facts, as I thoroughly believe from the information in my possession. It is of course not worth while to deny that the Democrats used money also; but the money used by them was exhausted very early in this neighborhood in a fruitless effort to

bring back into line the workers who had left us for the consideration above mentioned. . . . The story as related to me was as follows: Election day came, and the day passed off about as usual. The Democrats worked very hard, and it was believed by the Democrats who were at work at the precinct in question that the floating or doubtful vote had been very largely captured by them and their party; but the "count" of votes afterwards showed a far different result. When the polls closed at six o'clock, the two Democratic members of the board of election and one Republican left the room, where they had been confined all day, for the purpose of easing themselves and of stretching their bones, and they remained out of the room for some fifteen minutes before going back to begin the long and tiresome count. While these three were out, the two members of the board who remained in the room opened the ballot-box and burned all the ballots that had been placed therein during the day, and in their stead put in the box an equal number of ballots which they had carefully prepared beforehand; they then carefully closed the box, placed it back on the table, and when the three members returned from the outside, the box was "opened" and the votes counted. The result showed astonishingly large Republican gains.

The man who related this story to me claimed to have been one of the two men who remained in the room and made the change in the votes. He has been a Republican all his life until the late election, and his character is such as to make me believe his story; and besides, the place which he mentioned has been personally known to me for several years past to have been very corrupt. Of course the three men who left the room were induced to do so for money. Our law allows one man from each of the two leading parties to send a man into the room with the election board to watch the count; but this has not even yet been generally taken advantage of.

I am a member of the legislature of this State, and have taken much interest in election reform, and hope this winter to be instrumental in having passed an election law that will at least make all kinds of election frauds very difficult. The knowledge of this with our people has induced them to talk to me freely on this subject. This method of fraud, where it could be carried out, while it is of course dangerous, is about the cheapest method there

is, it strikes me; and if our law shall not be changed in this State, I would not be surprised to hear of this method being largely used in the next Presidential campaign. The old method is becoming a little too familiar, and some other will have to be resorted to.

Wishing your Reform Club and yourself personally success, I am sincerely yours,

MASON J. NIBLACK.

When we come to the prevention of all this, as I remarked in beginning, the greatest difficulty is, first, to create a public sentiment which will enforce any laws that we may make, and secondly, to persuade our legislatures to enact penalties which are great enough to meet the crime, although seemingly out of proportion to the degree of guilt incurred in each individual case. The experience in Rome, in England, and with us, of laws attempting to prevent bribery, has been both large and unsatisfactory. It is very curious how similar the experience of Rome was to what we see to-day. It is not too much to say that all our methods of bribery, most of our laws, and even our contrivances for voting, existed in Rome before the Christian era. The first law against bribery in any form, passed in the year B. C. 432, forbade the use of the *toga candida*, or white robe, from wearing which candidates have since taken their name, — a statute singularly like the British Corrupt Practice Act of 1854, which prohibited the giving of cockades to voters. And the Lex Maria established *pontes*, or narrow passages, into the voting-booths, which were intended to protect the voters from the influence of electioneering agents, — almost exactly the process provided in our new Massachusetts law; but I am sorry to say that in Rome, at least, the abuse against which these enactments were directed steadily increased. Cicero called the ballot act of Rome "the law whereby Liberty can assert herself without a word." But it is

curious to note, as bearing on the question of the sufficiency of mere secrecy of the ballot, to which so much weight is given now, that the author from whom I quote goes on to remark that the Roman ballot-act did not prove more effectual than it has proved in the English burroughs. In both cases the electors seem habitually to have adhered to their contracts; they voted as they were bribed to vote, — "faith unfaithful kept them falsely true." The indirect bribery of the people began about the year B. C. 220 by shows and processions, but the direct purchase of electors' votes with money existed before B. C. 159; and the Calpurnian law of B. C. 67 inflicted a heavy fine on the candidate guilty of bribery, and made him forever incapable of holding office, and also inflicted a fine on his election agents, who were in Rome called *divisores*, dividers, — a better word than strikers, — while subsequently the Senate, acting as the Roman supreme court, on the motion of Cicero declared the provisions of this law applicable to any candidate who should "keep about him hired followers, or entertain the people with refreshments of any kind." In the very next year another law punished corrupt candidates with ten years' exile, and introduced for the first time a severe penalty on the voters themselves. All these acts, however, failed; and in the year B. C. 54 the sum of ten million sesterces, or a hundred thousand pounds sterling, was offered for the first voting division alone. In the year B. C. 62 Cæsar owed net over a million of dollars; Mark Antony at twenty-four owed two hundred and fifty thousand dollars, and at thirty-nine he owed a million and a half; and Milo, in the year B. C. 52, owed nearly three millions and a half, — all for bribery and campaign expenses. A coalition between two candidates uniting to throw out a third, which has so lately been practised in New York, is spoken of by Cicero. Clubs were allowed, which were in all respects exactly

like Tammany Hall; the *sodales*, as the members were called, were expected to contribute to the defence of a brother if prosecuted in the police courts, and a candidate for office looked to his brotherhood for assistance in his canvass. "Floaters" in blocks of five were well known. I quote the following sentence *verbatim*, from a number of the "British Quarterly Review:" "If a candidate employed his *sodales* to work on his constituency more effectively by division of labor, splitting up the tribes into small companies (in blocks of ten which were called *decuriæ*), each to be taken in hand by a special member of the brotherhood, who made himself responsible for it, then the candidate became amenable to the Licinian law;" that is, even Rome would have prosecuted Colonel Dudley, and the act under which he would have been tried was not the ordinary bribery act, but an act called *de sodaliciis*, or "an act against campaign clubs." The Roman laws against bribery were indeed innumerable; and it was a stringent act against bribery, intimidation, and illegal influence, introduced by Pompey in the year B. C. 52, which was made retrospective, and applied to offences committed twenty years before it, that led to such serious consequences as to hasten the fall of the republic. This was the last statute of the republic passed against bribery; for shortly afterwards Julius Cæsar gave up attempting to suppress bribery by law, but neutralized its effect by reserving to himself the choice of one half the candidates, — a catastrophe, be it noted, which also has its parallel, unhappily, in our still free country. A bill has been introduced "by request" by Senator Sherman, which centralizes the control of the House of Representatives in the hands of the President, who is authorized to appoint canvassing boards in each State and electoral boards in each congressional district, who are in turn authorized to appoint registrars of voters in each voting precinct. If

State elections were held at the same time as Federal elections, as they are in the majority of the States, such legislation would soon throw State as well as Federal elections under the control of the Federal boards, and make governors and State legislatures the mere puppets of the autocrat in the White House.

Such a measure as this cannot too strongly be condemned. But I have said enough on this point to show the amazing parallel that exists between the history of the laws and methods of bribery in Rome and our own experience. Public sentiment must act, not laws alone; without the conscience of the people, mere statutes tend to grow, as they grew in Rome, ever more severe, until the knot is cut — *absit omen!* — by Cæsarism.

Strangely, in France there has been little bribery of the kind we have to deal with, — the direct bribery of the individual voter. The French have even no word for bribery, no verb *to bribe*, in their language, but have to use a paraphrase. Indirect influence — bribery of localities by the promise of public works, of labor by public employment — is common enough; so fraudulent public contracts, for which they have a special word, — *concussion*, — and we have not. But even in the present Boulanger election in Paris I have been able to find no apprehension in the French newspapers that the Paris *ouvrier*, all communist or rioter as he may be, will degrade himself like our free farmers and sell his right of government for money.

England has been very corrupt, and is now, owing to few and simple elections and a good law, almost pure; but I quote a veritable election bill rendered Sir Mark Somerville in 1826: —

April 16, 1826.

MY BILL.

	£	s.	d.
To Tenting 16 Freeholders above stairs for Sir Mark, at 3/3 a head, is to me	2	12	0
To Eating 16 more below stairs, and two Priests after Supper, is to me	2	15	9
To 18 Horses and five Mules about my Yard all night at 13/ every one of them, and for a man which was lost on the head of watching them all night, is to me	5	5	0
To 6 beds in one Room, and four in another, at two Guineas every Bed, and not more than 4 in any bed, at any time, cheap enough, God knows, is to me	22	15	0
For breakfast on Tay in the morning, for every one of them, and as many more as they brought in, as near as I can guess, is to me	4	12	0
To Raw Whiskey and Punch, without talking of Pipes and Tobacco, as well as for breaking other Glasses and Delph for the first day and night, I am not very sure, but for the 3 days and a half of the Election as little as I can call it, and to be very exact, it is in all or thereabouts as near as I can guess, and not to be two particular, is to me at least . .	79	15	9
For Shaving and Cropping off the heads of 49 Freeholders for Sir Mark at 13*d.* for every head of them, by my brother, who has a vote, is to me	2	13	1
For Nurse for poor Tom Kernan in the middle of the night, when he was not expected, is to me ten hogs, I don't talk of the piper for keeping him sober as long as he was sober, is to me	0	0	0
	£110	18	7

Signed in the place of Jemmy Cars wife, his mark ×
Bryan & Geraghty's mark ×

You may say £111, so your honour Sir Mark, send me this Eleven Hundred by Bryan himself, who and I prays for your success always in Trim, so no more at present.

I have prepared the following compendium of the laws of our States and Territories on the subject of electoral bribery, based on the last revisions of the several States, which, although it may not be quite accurate to-day, is sufficiently so for our purposes. Bribery by money or reward, or offers or promises of reward, is made an offence in the person bribing, in all the States and Territories, without exception. But on the part of the person bribed, or who offers his vote for a bribe or money or value, it is only a criminal offence in about half, — Connecticut, New Jersey, Pennsylvania, Ohio, Indiana, Illinois, Michigan, Iowa, Tennessee, West Virginia, North Carolina, Kentucky, Missouri, Arkansas, Texas, Oregon, Nevada, South Carolina, Mississippi, Colorado, Montana, Utah, New Mexico, Georgia, Louisiana. To offer threats or intimidation of the ordinary kind is made criminal on the part of the person threatening in all the States and Territories. Threats of discharging from employment or reducing wages, or promises to employ or give higher wages, or other improper influence brought by employers of labor, is specially declared an offence in about one fourth of the States, — Massachusetts, Kansas, Missouri, Michigan, Connecticut, North Carolina, Louisiana, West Virginia (on the part of corporations only), Indiana. Treating or giving liquor is penal in many States, — Vermont, Illinois, Maryland, West Virginia, North Carolina, Washington Territory, Michigan, Nebraska, Tennessee, Arkansas, Alabama, Nevada, Arizona. Furnishing any money or other means to be used in bribery is specially provided for in several States, — Indiana, New Jersey, Texas, Michigan, Arizona. Procuring or promising a political office is expressly forbidden in Michigan, Kansas, and Missouri. Religious excommunications or expulsions by priests or others, or commands or advices to vote given under pain of religious disapproval, are also expressly forbidden in Michigan.

Most of our State statutes are founded on the English law of fifty years ago, which imposes a penalty only for direct bribery and treating, consisting of a fine, and disfranchisement for the term of that Parliament only. The simplest part of the law question is the fixing of the penalty; and the only general doubt that is now expressed about this is whether you should punish both the person bribing and the person bribed. It is a curious fact that our States and Territories are so nearly divided on this point; namely, twenty-five punish both the person bribed and the person bribing, while twenty-one only punish the person bribing or offering to bribe; but two of the twenty-five (Pennsylvania and Kentucky) inflict a nominal penalty only on the person bribed. It is commonly argued that if you punish both it will never be possible to convict either, even though you provide, as in some States it is provided, that evidence given in bribery proceedings shall not be used against the person testifying. I am inclined to think that the objection is not practical, and that the law should provide for the punishment of both persons. The old Roman law, curiously enough, on this point provided that a person convicted of bribery might relieve himself from the penalty by pointing out some one else who was guilty, and getting him convicted too, several parties being thus disfranchised in turn.

This brings us to the next point, which is, that there is not the slightest question that all persons guilty of either bribery, attempting to or offering to bribe or to be bribed, should be disfranchised *forever*, or unless specially restored by act of legislature; and should also be forever disqualified from holding office. This is surely reasonable, but at present is only so provided in a few States. Thus, in Maine, Rhode Island, New Jersey, Maryland, Virginia, West Virginia, and Georgia both parties are forever (except in Maine, ten years) disfranchised; but

in Arkansas, Dakota, and Tennessee only the briber is so disfranchised, and in Kentucky only the person bribed; while in Kentucky, Colorado, and Wyoming Territory the person bribing is disfranchised, but for five years only; in Indiana both parties are disfranchised for eight years, in Pennsylvania for four, and in Vermont and New York for that election only. In Wisconsin and one or two other States a person convicted of bribery is excluded from the right of suffrage; but it is doubtful whether this applies except to the case of office-holders bribed, as this was the usual common-law meaning of the word; and in other States there is apparently no disfranchisement. The student of our laws must be on his guard against this restricted meaning of the word "bribery," as there are several States where the severe penalties inflicted for bribery obviously apply to this kind of bribery only, and not to buying or selling votes.

Disfranchisement of a locality, as of a borough or election district, which has always been a common remedy in England, has never been attempted or proposed in this country, unless perhaps we consider the attempts of Congress to regulate Southern elections as efforts in this direction. But such remedies would seem opposed both to the feelings of our people and the spirit of our Constitution, besides being a most dangerous weapon to place in the hands of a majority government. In fact, all remedies of disfranchisement must and should be placed in the hands of the courts alone, and may prove none too safely confided even there. But eight States do provide that the guilty candidate shall be deprived of the office for which he was elected (Rhode Island, New Jersey, Ohio, Indiana, Wisconsin, Delaware, Kentucky, Oregon). The Indiana statute provides that the court may decree how long the disqualifications shall continue. Many States also provide that a conviction for bribery shall

forever disqualify from office. All these offences are of course tried by the courts, not the legislature; but indictments are rarely attempted and a conviction is almost unheard of.

The other penalties inflicted in our States and Territories for bribing extend from a fine of twenty dollars to imprisonment in the state-prison for five years and a fine of one thousand dollars. Generally speaking, a slight fine with or without from three to six months' imprisonment may be said to be the average; and it is obvious that this is not nearly enough. In the first place, all money penalties for this offence, except indeed when given to the informer, are very inadequate; for the one party never can pay, and the other party will commonly never be prosecuted. In my opinion there should be only a fixed money penalty of say five hundred dollars, which should go to the informer; but in all cases a term of imprisonment of from one to five years should be imposed. The disfranchisement would still, however, be the most effective penalty; for the local managers might be too good-natured to send a man to prison, while it might be worth their trouble to disfranchise forever a person who voted with the opposite party.

But the most important part of the legal question is the definition of what we shall term "bribery." Nearly all our States and Territories have attempted to define it in their laws, and it is very much to be questioned whether they had not better let their definitions alone and merely use the word. When we are told that it is criminal to *bribe* or to be *bribed*, or to offer or attempt bribery at elections, every man of sense knows what it means; while all definitions leave loop-holes for the managers of the bribing to get through.

The usual definition is that bribery is "to directly or indirectly hire, procure, induce, or in any way influence or

attempt to hire, etc., by payment, promises, offers or reward of any kind, loans of money, threats or intimidations, either to vote for or against any candidate, or to refrain from voting." Frequently, also, treating or giving liquor, promising or procuring any office, making threats to discharge or reduce the wages of labor, or making promises of future employment, or of any religious excommunication or dismissal from church, is made bribery also. The laws of New York, Michigan, California, Nevada, Dakota, Montana, and Arizona carefully provide what a candidate or any other person for a candidate may do with his money, or get money for, from others. That is, in brief, he may not provide entertainment at his expense to any meeting of electors before or during the election; or furnish money or property to be used in procuring the attendance of voters at the polls; or, generally, contribute money for any other purpose intended to promote an election except for printing expenses, the circulation of votes or hand-bills or other papers before election, and to convey the sick, poor, and infirm to and from the polls. In Montana he is also allowed printing and travelling expenses, the dissemination of information to the public, and money "*laid out in political meetings, demonstrations, or conventions*," — a barn-door for fraud. So in Ohio it is thoughtfully provided that none of the bribery laws apply to hospitality extended at the candidate's residence; in other words, any voter that a man is willing to take to his own house, he may take there and dine and wine to his heart's content.

Now, the trouble with all these definitions, and particularly with these enumerations of expenses, is that they open the door to expenditure for almost any purpose, and it is almost impossible to prove that the money expended under the pretence of some lawful purpose, such as a torchlight procession or the distribution of circulars, was not in fact a bribe. Strangely enough the two communi-

ties of Texas and Arizona have the boldest and most stringent laws on this point; and but for one consideration I was almost inclined to think that the Arizona provisions should be adopted everywhere. These make it criminal for anybody to raise money or be employed or employ any one else for election work of any kind whatever; or, as the Texas law puts it, to furnish money to another to be used for the purpose of promoting the success or defeat of any particular candidate or question; and by another law of Arizona all assessments are forbidden, and all payments for election expenses must hereafter be made only by candidates, by voluntary assessment, at meetings called for the purpose, at which only candidates are allowed to be present.

It will, of course, be objected that a law of this strictness will prevent even the Massachusetts Reform Club, or the Tariff Reform Club, or the Home Market Club, from printing broadsides, posters, and campaign biographies for the instruction and entertainment of the people. It may be that this method of educating the people is so valuable as not to be given up even at the risk of letting in bribery. And we should perhaps be willing to yield this point, but only on condition that the one remedy which has hitherto proved of any value either in England or this country should be adopted in its place; namely, that all candidates, parties, party organizations, or committees should be required by law to publish within a short time after election a sworn account of all their expenditures. Now that this reform has been taken up by Governor Hill of New York, we may surely hope to see it adopted in this country. It does not appear to me to be so certain a remedy as is sometimes claimed, for the reason that in England there is but one parliamentary election, one well-recognized committee for each candidate, while in this country it would be almost impossible to trace the various

committees, clubs, organizations, or even private persons that might be at work. Still, it is one of the best things proposed.

I have said nothing yet of the secrecy of the ballot, partly because every one seems agreed that we should have it, and partly because in this State at least we shall have it next year; but also because I do not believe that even this alone would be a final remedy. It was not in Rome. Mr. Ivins said, in his speech at Brooklyn, that the man who takes a bribe is *prima facie* a scoundrel, and that no one will bribe him unless he can tell how the man has voted. I confess that I have a fear that he is not quite enough of a scoundrel for our purposes. There is honor among thieves. Gambling debts are commonly paid; and I do feel that, while there would undoubtedly be many men not to be trusted, there are still, in the light of recent investigations, a great many of what Farmer Ridd called "middling honest men," who will be wicked enough to sell their votes, and still not mean enough to break their contract. Of course, if they did commonly break their contract under a secret ballot, it would soon be known in what places they did break it, and the money supplies in that district would consequently cease, — a fact which the careless and venal voter is quite clever enough to realize.

Recapitulating, then, there are three or four points not to be lost sight of: First, that all persons guilty of bribery at elections should be forever disfranchised; Second, that the allowable expenditures before elections should be reduced to as simple terms as possible, — say hiring halls and publication expenses only, — and a sworn account required; Third, that the ballot should be in reality secret. Representative Holman has introduced a bill into Congress which forbids the soliciting or receiving directly or indirectly any money or value to be expended in any national

election or political canvass, or to be concerned in such money-raising in any way; but it provides that this shall not be construed as applying to money spent for the necessary expenses of any election, or for the printing or the publication of newspapers or other documents, or their distribution; and it omits to require any sworn account of such expenditures. It prescribes imprisonment for not exceeding three years, and a fine not exceeding $5,000, as a penalty; and it then prescribes disfranchisement for the person who directly gives, takes, offers, or receives a bribe for a vote, such disfranchisement to continue for five years only, — which is not enough.

On the other hand, Mr. Springer has made a proposal which, while not directly dealing with bribery, would probably be more effective than any bribery law in our national elections. His plan provides that we should elect the President and Vice-President by a direct vote of the people, each State to be entitled to as many votes as it may have senators and representatives in Congress. Mr. Springer made an interesting computation of the vote in the recent election, based upon his system, which provides that the aggregate popular vote in each State shall be divided by the number of presidential votes to which each State is entitled, the quotient to be the ratio of the presidential vote, and candidates having the largest fractions being entitled to the odd presidential vote. According to this plan Mr. Cleveland would have received 208 votes, General Harrison 187, and Fisk and Streeter, the Prohibition and Labor candidates, respectively, 3 each, making in all 401. These votes divided among the various States would have stood as follows: —

	Cleveland.	Harrison.	Fisk.	Streeter.
Alabama	6	3	0	1
Arkansas	5	2	0	0
California	4	4	0	0
Colorado	1	2	0	0
Connecticut	3	3	0	0
Delaware	2	1	0	0
Florida	2	2	0	0
Georgia	8	4	0	0
Illinois	11	11	0	0
Indiana	7	8	0	0
Iowa	7	6	0	0
Kansas	5	3	0	1
Kentucky	7	6	0	0
Louisiana	6	2	0	0
Maine	2	4	0	0
Maryland	4	4	0	0
Massachusetts	6	8	0	0
Michigan	6	6	1	0
Minnesota	3	4	0	0
Mississippi	7	2	0	0
Missouri	8	7	0	1
Nebraska	2	3	0	0
Nevada	1	2	0	0
New Hampshire	2	2	0	0
New Jersey	5	4	0	0
New York	17	18	1	0
North Carolina	6	5	0	0
Ohio	11	12	0	0
Oregon	1	2	0	0
Pennsylvania	13	16	1	0
Rhode Island	2	2	0	0
South Carolina	7	2	0	0
Tennessee	6	6	0	0
Texas	10	3	0	0
Vermont	1	3	0	0
Virginia	6	6	0	0
West Virginia	3	3	0	0
Wisconsin	5	6	0	0
Total	208	187	3	3